COURT FEE INDIA TEN RUPEES CANCELLED COURT FEE INDIA FIVE RUPEES

(1) Single Bench (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR [C.G.]

CIVIL REVISION NO. 35 OF 2005 [S.B.]

CIVIL REVISION UNDER SECTION 115 OF CIVIL PROCEDURE CODE.

APPLICANTS :- 1] Rajeshwar Singh aged 28 years, S/o Tijram Singh.

2] Tijram Singh, aged 60 years S/o. Budga Singh.

Both are R/o Chandniyapara, Janjgir, P.S. & Tah. Janjgir, Distt. Janjgir-Champa [C.G.]

VERSUS

NON-APPLICANTS:- 1] Bhauram Suryawanshi aged 55 years S/o Nankuna Suryawanshi.

2] Dilip Kumar Suryawanshi, aged about 28 years, S/o Bhauram Suryawanshi.

Both are R/o Gaud, P.S. & Tah. Janjgir, District Janjgir-Champa [C.G.] at present R/o. Mini Basti, Jarhabhatha, Bilaspur [C.G.]

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

आदेश पत्रक

मामला क्रमांक ...C.R..35/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22/03/2005

Shri H.V.Sharma, counsel for the applicants.

Heard.

The applicants have preferred this revision against the impugned order dated 08/02/2004 passed by First Additional Motor Vehicles Accident Claims Tribunal, Bilaspur whereby the objection by the applicant raised under Section 166 (2) of the Motor Vehicles Act regarding territorial jurisdiction of the Claims Tribunal has been rejected.

Learned counsel for the applicants submits that initially the application under Section 166 of the Motor Vehicles Act was filed by the non-applicants showing the place of residence as Chandaniyapara (Janjgir). As the place of accident was also within the territorial jurisdiction of Janjgir Claims Tribunal a jurisdictional objection was raised by the applicant by way of filing application under Section 166 (2) of the Motor Vehicles Act. Subsequently the claimants filed an application for amendment and seeking amendment in the cause title and in place of address of Janjgir new address of Mini Basti, Jarhabhata was added.

Learned counsel for the applicants further submits that the subsequent address given by the applicants is an afterthought. The Claims Tribunal ought to have decided the objection even before the application for amendment. However, the prayer was made by the applicants and instead of preceding to the prayer, the Tribunal first decided the application for amendment and allowed the same and thereafter the Claims Tribunal rejected the objection regarding jurisdiction under Section 166 (2) of the Motor Vehicles Act holding that all the Claims Tribunals within the territorial jurisdiction of the district exercise jurisdiction in the whole district and there is no independent jurisdiction within a particular Tribunal.

I have heard learned counsel for the applicants and also perused the impugned order.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक ....C.R...35/05 **सन्** **200**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The application for amendment preferred by the applicants has been allowed and as the amendment relates back to the date of filing the application, in the opinion of this Court, the Claims Tribunal has not committed any illegality or material irregularity in passing the impugned order which requires interference under the revisional jurisdiction.

In view of the above, the revision is liable to be dismissed and accordingly it is dismissed.

Consequently, M.C.P. No. 396/2005 stands disposed of.

Sd/-
Dhirendra Mishra
Judge